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ABSTRACT

Guidelines and procedures outlined in this document constitute instructions for implementing the establishment of area vocational schcol districts in New Mexico. Step-by-step procedures are presented for the preparation of documents to be utilized for seeking approval as an area vocational school district. (FS)

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PROCEDURES FOR ESTABLISHING AREA VOCATIONAL SCHOOLS IN NEW MEXICO

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TABLE OF CONTENTS

SECTION		PAGE
I.	Introduction	1
	Philosophy	1
	Definitions	1
II.	Authority	2
	Junior College Act	14
	Technical and Vocational Institute Act	25
	Branch and Community College Statutes	31
	House Bill No. 228, 1967 - Chapter #104	36
	Area Vocational School Act (House Bill No. 50, 1967 - Chapter #177)	37
	Appendix A	13
III.	Step by Step Procedure for Approval as an Area Vocational School District	3
	Step I. Prepare and Submit a Feasibility Study.	3
	Responsibility	3
	Boundaries	3
	Location	4
	Justification	4
	Area vocational school input potential.	4
	Placement of graduates of area vocational school Programs	6
	Financial support available for the area vocational school.	6
	Miscellaneous considerations	7

TABLE OF CONTENTS (Cont'd)

SECTION		PAGE
	Operation	7
	Budget	9
	Capital Outlay	9
	Existing Buildings and Equipment	10
Step II.	Tentative Designation as an Area Vocational School District	10
	Responsibility	10
Step III.	Submit the Proposal to Become an Area Vocational School District to the Electors Within the Proposed District	11
Step IV.	Call an Election for the Purpose of Approving a Levy for Operational and Capital Outlay Expenditures	11
Step V.	Obtain Final Designation as an Area Vocational School District	11
Step VI.	Designate an Area Vocational School Director	11

LIST OF FORMS

FORM NO.		PAGE
	Appendix B	41
I.	Agreement	42
II.	Summarizing Population Characteristics for Establishment of an Area Vocational School District.	43
III.	Summarizing Student Enrollment for Establishment of Area Vocational School District	44
IV.	Summarizing Enrollment in Grades One Through Eight in Public and Private Schools Within the Proposed Area Vocational School District	45
V.	Summarizing High School Graduates Within the Proposed Area Vocational School District Who Go On to College..	46
VI.	Summarizing Drop-Out Rate of Schools Within the Proposed Area Vocational School District	47
VII.	Summarizing Enrollment in Other Vocational and Pre-Vocational Programs Within the Proposed Area Vocational School District and Adjacent Districts.	48
VIII.	Summarizing Distance to Area Vocational School	49
IX.	Summarizing Adults Who Desire Vocational Education	50
X.	Opportunities for Placement of Graduates of an Area Vocational School Within the Geographic Proximity	51
XI.	Summary of Financial Characteristics of the Proposed Area Vocational School District.	52
	APPENDIX A	13
	APPENDIX B	41

PROCEDURES FOR ESTABLISHING AREA VOCATIONAL SCHOOLS IN NEW MEXICO

FOREWORD

Although the Junior College Act and the Technical-Vocational Institute Act provided for vocational education, the passage of the Area Vocational School Act (House Bill 50, 1967 - Chapter #177), and House Bill 228 - Chapter #104 amending the Branch-Community College statutes by the New Mexico Twenty-Eighth Legislature significantly enhance the provision for vocational education by providing for the establishment of area vocational schools.

Guidelines and procedures outlined in this document constitute the instructions for implementing the establishment of area vocational school districts. These should assist prospective area vocational school district officials in determining the steps required and in the preparation of documents for seeking approval.

I. INTRODUCTION

Philosophy

The preparation of young people for productive citizenship in the complex society of today and tomorrow is a tremendous task. Education for living and education for earning a living must both be considered in the educational program development of New Mexico.

Foremost among the problems of education in New Mexico is the fact that many schools lack both sufficient students and sufficient money to offer all the kinds of programs which are needed. Consequently, students who drop out of school or graduate without a marketable skill, the disadvantaged, and adults without marketable skills, or whose skills have become obsolescent are severely handicapped both in living and in earning a living. The development of area vocational schools produces a means of overcoming these barriers.

Although area vocational schools are designed primarily to provide students with marketable skills, the additional responsibility for helping students to reach an acceptable level of basic understandings cannot be evaded. The philosophy in New Mexico is that area vocational schools can and should be initiated, organized, and operated to strive toward this two-dimensional goal. In all cases the controlling purpose of the area vocational school is to fit graduates for useful employment and to increase the knowledge and skills of employed workers.

Definitions

"Area vocational school" is defined as a school which:

1. Has been designated as an area vocational school by the State Board for Vocational Education;

2. Usually includes more than one public school district;

3. Includes curriculum in at least four of the seven general areas of vocational and technical training. The general areas would include:

   a. Agriculture and agricultural related occupations
   b. Distributive educations
   c. Health occupations
   d. Home economics and community service occupations
   e. Office education
   f. Trades and industrial occupations
   g. Technical education

4. Must offer at least five or more distinct occupational areas of training;

5. Offers short-term and long-term courses ranging up to two years in length, designed as terminal training, and available to high school students but is also for persons of post-high school age including persons with special needs, young adults, and adults that need training or retraining;

6. Emphasizes both an understanding and an application of scientific as well as manual skills;

7. Complies with requirements of Federal Acts and State Laws and regulations for area vocational schools.

"State Board" refers to the State Board for Vocational Education which is also the State Board of Education.

"State Director of Vocational Education" refers to the individual appointed by the State Superintendent with the approval of the State Board who is responsible to the State Superintendent of Public Instruction and the State Board for development and direction of a program for vocational education.

II. AUTHORITY

The State Board for Vocational Education may designate area vocational schools upon the authority granted to it by the Junior College Act, the Technical and Vocational Institute Act, the Branch Community College Statutes as amended by the provisions of House Bill 228 - Chapter #104

and by the Area Vocational School Act (House Bill 50, 1967 - Chapter #177). These statutes are included in this publication under Appendix A.

III. STEP BY STEP PROCEDURE FOR APPROVAL AS AN AREA VOCATIONAL SCHOOL DISTRICT

The completion and submission of the feasibility study, presented as the first step in gaining approval as an area vocational school district, along with a letter of transmittal, constitute the official applications for approval as an area vocational school district. The feasibility study, along with the recommendations of the State Director of Vocational Education will be presented to the State Board for Vocational Education for consideration.

The step by step procedure for securing approval as an area vocational school district is outlined below. Step I, only, is required for approval as an area vocational school district under the provisions of the Junior College Act, the Branch Community College Act as amended, and the Technical-Vocational Institute Act. Approval is given by the State Board under the provisions of these three Acts based upon the criteria outlined in Step II. Steps I through V apply for approval under the Area Vocational School Act (House Bill 50, 1967 - Chapter #177).

STEP I. Prepare and Submit a Feasibility Study

A. Responsibility. A steering committee or other appropriate representation of the proposed area vocational school district shall be responsible for the requirements of Step I.

B. Boundaries. Define the geographic boundaries of the proposed area vocational school district.

1. A formal resolution or formal resolutions of the legal body or bodies of the district or districts must accompany the feasibility study.

2. A signed agreement form must accompany the application (see Form 1 Appendix B)

C. Location. Designate the proposed location of the area vocational school within the district. Attach a map showing the location and population centers within a sixty mile radius. Outline the rationale for this location including a statement regarding the availability and cost of sites. The description of the proposed location should include a statement about population distribution within the district and how the chosen location can best accommodate the greatest number of people.

D. Justification. Complete justification must be submitted including the following minimum information. Additional information may be submitted if the applicant feels it helps justify the establishment of an area vocational school district.

1. Area Vocational School Input Potential. (Summarize on Form II, Appendix B)

a. Population characteristics (cite source of information).

(1) Present total population within the proposed area vocational school district.

(2) Annual population during each year of the past ten years within the proposed area vocational school district.

(6) Number and percent of students who have dropped out of public and private schools during the past two years, (Form VI, Appendix B).

c. Area vocational school enrollment characteristics. Anticipated first year enrollment in the area vocational school. (Cite methods for collecting this data on reverse of Form VII, Appendix B).

d. Other characteristics of the proposed area vocational school district which affects input.

(1) Distance to another area-type vocational school (Form VIII, Appendix B.)

(2) Number of adults who have indicated a need and desire for initial skill training and retraining. (Cite method for obtaining this data, Form IX, Appendix B).

2. Placement of Graduates of Area Vocational School Programs. Number and scope of probable job opportunities within the proposed area vocational school district and adjacent population centers. (Include present needs, replacement and expansion needs; Form X, Appendix B.)

3. Financial Support Available for the Area Vocational School. (Form XI, Appendix B).

a. Local support potential.

(1) Assessed valuation of taxable property within the proposed area vocational school district during each of the past five years. Include the latest valuation available.

(2) Breakdown of tax levies presently in effect within the proposed area vocational school district. (Form XI, Appendix B).

(3) Tuition charges for in-district and out-of-district students.

b. State funds available. Establish the level of state support which will be required for the first year and subsequent year's operations with the State Director of Vocational Education. (Attach sheet).

c. Federal funds available. Establish the level of support from federal sources which will be required for the first year and subsequent year's operations for both capital outlay and operations with the State Director of Vocational Education. (Attach sheet).

4. Miscellaneous considerations.

a. Submit a summary of attitudes within the area vocational school district regarding vocational education and area vocational schools. (Include letters from school officials, chambers of commerce, service clubs, major employers, and others deemed beneficial).

b. Possible number and qualifications of staff members available from present staff.

E. Operation. While it is realized by the State Board that most operational planning and decisions will occur after the district is established, the feasibility study should include tentative plans for the following:

1. Composition and terms of office of the proposed governing board of the area vocational school district.

2. Proposed administrative relationships and structure.

3. Suggested length of instructional day, including night courses.

4. Provision for transportation of in-district students.

5. Provision for transportation of out-of-district students if anticipated.

6. Admission requirements for in-district students.

7. Admission requirements for out-of-district students.

8. Suggested initial curriculum of the area vocational school.

9. Suggested five year plan for program development consistent with section 4.12-1 B of the state plan for vocational education as shown:

   4.12-1 Application by the Local Education Agency

   Local educational agencies to be eligible for construction, remodeling or additions to school facilities shall:

   A. Apply to the State Board through the State Director of Vocational Education, on forms provided by his office, to be designated as an area vocational school, and

   B. Submit a five year plan for vocational education in at least five (5) occupational fields, and

   C. Submit a plan for construction, remodeling, or addition to school facilities with an estimate of costs and use of facilities under consideration.

10. Statement regarding tuition. Outline a suggested policy outlining who will be charged tuition, if any, how much will be charged, and basis for charge, i.e., per course, per hour of instruction, per year, etc.

11. Statement regarding out-of-district students. Include plans for admission, tuition, transportation, etc.

12. Statement regarding dormitories. If dormitories are planned, outline plans for their use. Include anticipated size and cost, location, and students to be accommodated.

F. Budget. The proposed first year budget should be completely outlined. Include sources of income and anticipated amount from each source. Also include a statement regarding the millage required for operations. Include a detailed estimate of expenditures. Use the 100, 200, 500, 600, 700, 800, 1000, 1100, 1200, 1400, and 1500 series categories as outlined for public school budgets and described in the Manual of Procedure for Uniform Financial Accounting and Budgeting for New Mexico School Districts.

G. Capital Outlay. Detail the extent and cost of capital outlay requirements. Include:

1. Description and estimated cost of buildings, sites and site improvement considered in short and long-term plans.

2. Estimated expenditures required for legal fees, architects and engineers fees, consultants, bond election, and other incidental costs.

3. Plans for construction, remodeling, or additions to school facilities with an estimate of cost and use of facilities under consideration.

4. Number and estimated cost of non-instructional items such as desks, chairs, tables, vehicles, etc.

5. Description and estimated cost of instructional items such as typewriters, lathes, saws, sewing machines, overhead projectors, visual-aids preparation materials, initial supplies, etc.

6. Detail of other anticipated expenditures for capital outlay.

7. Millage required to repay bonded indebtedness for capital outlay. Calculate annual debt service requirements for principal and interest based upon the number of years planned for repayment (i.e., five year bonds, ten year bonds, etc.).

H. Existing Buildings and Equipment. The State Board of Vocational Education will accept use of existing buildings and equipment for the newly established area vocational school when:

1. The facilities can be made available on terms mutually agreeable to the participating districts and the State Board.

2. The quality of facilities is such that they are appropriate to be used in a high standard training program.

3. The facilities are so located as to be accessible to the students of the area to be served.

4. The buildings are of such design and on sufficient land to provide for expansion as needed without excessive expenditures.

STEP II. Tentative Designation as an Area Vocational School District

A. Responsibility. The State Board will give tentative approval of the district as an area vocational school district. The Board's approval will be based upon:

1. Review of the feasibility study.

2. Application of the "Operations Research Model for Locating Area Vocational Schools" developed by the Division of Vocational Education, Research Coordinating Unit, and John E. Uxer.

3. Other pertinent data which may be available.

4. The recommendation of the State Director of Vocational Education.

Final approval as an area vocational school district will be given by the State Board upon receipt of certification that the electors

within the proposed area vocational school district have approved the formation of the district and have approved operational and capital outlay levies and all other requirements have been met.

STEP III. Submit the Proposal to Become an Area Vocational School District to the Electors Within the Proposed District

Instructions for conducting this election are contained in the respective Acts: House Bill 50 - Chapter #177 and the Technical-Vocational Institute Act.

STEP IV. Call an Election for the Purpose of Approving a Levy for Operational and Capital Outlay Expenditures

The procedure for calling and conducting an election for the approval of levies for operational and capital outlay is contained in the respective Acts: Area Vocational School Act (House Bill 50 - Chapter #177) and the Technical-Vocational Institute Act.

STEP V. Obtain Final Designation as an Area Vocational School District

The State Board will give final approval of a district as an area vocational school district upon receipt of a certificate from the appropriate officers that the electors within the proposed area vocational school district have approved the formation of the district and levies for capital outlay and operational expenditures and all other requirements have been met.

STEP VI. Designate an Area Vocational School Director

An area vocational school district director should be appointed by the board designated as the governing board of the district. Although the designation of a director is listed as Step VI, it is realized that

the services of such a person could be well utilized during Steps I through V. Therefore, the time of appointment is left to the discretion of local officials.

The duties and responsibilities of the director should be determined by the governing board and recorded in the official minutes of the board. It is expected that, subsequent to his appointment, the director will be the primary liaison agent with the State Director of Vocational Education.

APPENDIX A

Junior College Act:

73-33-1. Short title.--This act (73-33-1 to 73-33-20) shall be known as the "Junior College Act."

73-33-2. Definitions.--As used in the Junior College Act(73-33-1 to 73-33-20):

A. "junior college" means a public educational institution which shall provide not to exceed two (2) years of training in the arts, sciences and humanities beyond the twelfth grade of the public high school curriculum; or in lieu of such training or in addition thereto, not to exceed two (2) years of a vocational and technical curriculum and appropriate courses of study for persons who may or may not have completed the twelfth grade of public high school;

B. "junior college district" means a district wherein a junior college is located or proposed to be created, and such district shall be composed of the territory of one (1) or more school districts of the state of New Mexico. For the purposes relating junior college districts to existing law, junior college districts and the junior college thereof:

(1) shall not be considered a part of the uniform system of free public schools pursuant to Article 12, section 1 and Article 21, section 4 of the New Mexico Constitution.

(2) shall not benefit from the permanent school fund and from the current school fund under Article 12, sections 2 and 4 of the New Mexico Constitution;

(3) shall not be subject to the control, management and direction of the state board of education under Article 12, section 6 of the New Mexico Constitution;

(4) shall not be considered a school district for the purposes of a uniform system of textbooks for the public schools as prescribed in Article 20, section 17 of the New Mexico Constitution; and

(5) shall not be considered school districts in so far as the restrictions of Article 9, section 11 of the New Mexico Constitution is concerned;

C. "secretary" means the executive secretary of the board of educational finance;

D. "full-time student equivalent" means the equivalent number of students taking sixteen (16) credit hours per semester;

E. "state board" means the state board of educational finance; and

F. "qualified elector" means a person otherwise eligible to vote and who is an owner of real estate within the junior college district.

(73-33-1 to 73-33-20)

73-33-3. Purpose--The purpose of the Junior College Act/is to provide for the creation of local junior colleges and to extend the privilege of a basic vocational, technological or higher education to all persons who are qualified to pursue the courses of study offered. Provided further, however, that it is the

intent of this legislation not to call upon future legislatures for state financial help.

73-33-4. Junior college districts--Formation.--A. Petitions for the organization of a junior college district shall designate the name of the proposed junior college and with particularity the proposed territorial area to be included within the district. The proposed district shall comprise and be concurrent with the territorial areas of one (1) or more existing public school districts in one (1) or more counties, other than that area comprising another junior college district. Provided, however, that the territorial area encompassed by any proposed junior college district shall in all cases be contiguous.

B. The petition calling for the organization of a junior college district shall be signed by qualified electors, residents of the area of each school district involved, in a number equal or in excess of ten per cent (10%) of the votes cast for governor in the last preceding general election in each school district within the area of the junior college district. For the purpose of determining the vote cast in such district for governor in the last preceding general election, any portion of a voting division within any affected school district shall be construed to be wholly within such proposed junior college district.

73-33-4.1. State board to conduct feasibility survey.--The petition calling for the formation and organization of the proposed junior college district shall be filed with the state board, which shall immediately cause a survey to be made of the proposed junior college district to determine the need for the proposed junior college and the prospects for its adequate support. The state board shall approve the petition and call an election for the establishment of the proposed junior college district if, on the basis of the survey, it finds:

A. the district boundaries, as proposed, are suitable geographically;

B. the existence of adequate school population and other factors indicate the proposed junior college will serve an enrollment of at least two hundred and fifty (250) full-time student equivalent;

C. the financial position of the proposed junior college district is adequate to provide the necessary supporting funds for current operations, and the necessary capital outlay for physical plant and equipment; and

D. a comprehensive plan has been formulated showing:

(1) the projected enrollment for the next ten (10) years;

(2) a general plan for buildings for the immediate proposed construction and for future expansion for the next ten (10) years;

(3) a plan for the practical and efficient use of the buildings by the local public school unit and suitable arrangements for financial compensation for all public school districts within the junior college district in the event the junior college

is dissolved;

(4) a transportation plan that sets forth a proposed method of transportation from all parts of the district; and

(5) a proposed budget for the first two (2) years of operation.

73-33-5. Notice and conduct of junior college district referendum election.--A. Upon formal written approval by the state board of the petition for the establishment of a junior college district, the state board shall set a date for a referendum election upon the issue of whether such proposed junior college district shall be organized. Only qualified electors of the district shall be eligible to vote at such elections.

B. The election upon the issue of whether or not the proposed junior college district will be organized shall be conducted and canvassed by all of the existing local school boards within the proposed junior college district, acting jointly and in the same manner as elections for municipal school board members are carried out, unless otherwise specifically provided in the Junior College Act (73-33-1 to 73-33-20).

C. Election officials shall count the votes cast and as soon as all the ballots have been counted, they shall make out a certificate containing their signatures certifying the total number of votes cast and the number cast for the organization of the junior college district and the number cast against such proposal within the area of each school district in the junior college district.

D. The certification of the total number of votes for or against such proposed junior college district together with all ballots shall be sent, under seal, immediately by the local election officials to the secretary. As soon as all the returns are received the secretary shall proceed to open them and determine the result of the election.

E. In the event a majority of the qualified electors voting on the issue in the area of each school district within the boundaries of the junior college district shall not approve the creation of such junior college district, the proposal shall fail and no election upon the creation of a district encompassing the area of a school district wherein the voters did not approve such creation shall be held within two (2) years of such date.

F. A junior college district shall be declared created by the state board when a majority of the qualified electors voting on the issue in the area of each school district within the boundaries of the junior college district are certified by the state board to have voted in favor of establishing such junior college district and the number of votes cast in favor of the creation of the junior college district in the area of each school district within the junior college district is at least as many as fifteen per cent (15%) of the number of votes cast for governor in the last general election in the voting divisions wholly or partially within the area of each school

district within the junior college district.

73-33-6. Form of ballot for referendum election.--The form of the ballots for the creation of a junior college district shall be printed and appear in substantially the following manner:

BALLOT

On the question of the formation of _____ Junior College District.

(Place "X" in one of the boxes below)

For the creation of the Junior College District--------- ( )

Against the creation of the Junior College District----- ( )

73-33-7. Junior college board.--A. If it shall appear from the records in the secretary's office that the required majority of votes were cast in favor of the organization of the junior college district, then the secretary shall declare the organization of the "_____Junior College District." The secretary shall notify, by registered mail, all boards of education within the junior college district of the results of the election, and shall call a meeting of the members of the boards of education, which shall be held at a time and site, within the junior college district, selected by the secretary not later than sixty (60) days after the election. The secretary or his appointed delegate shall act as chairman pro tempore of the meeting, and a majority of the members of the boards of education so notified shall constitute a quorum.

B. A majority of all board of education members present shall then proceed to elect five (5) persons as members of the "_____ Junior College Board." The persons elected shall be assigned position numbers one (1) through five (5). Board members shall be over twenty-one (21) years of age, qualified electors and residents of the junior college district. The members of the board shall continue to serve until the next regular junior college election, to be held on the first Tuesday of March of each odd-numbered year, at which time five (5) board members shall be elected by the registered voters of the junior college district. The candidates shall file for and be elected to a particular position number. The candidate receiving the highest number of votes for a particular position shall be elected. At the first junior college board meeting after the election, the five (5) members shall draw lots for the following terms: one (1) for a term of two (2) years, two (2) for a term of four (4) years and two (2) for a term of six (6) years. Thereafter, board members shall be elected for a term of six (6) years from April 1 succeeding their election. All vacancies caused in any other manner than by the expiration of the term of office shall be filled by appointment by the remaining members.

C. Immediately after the election of the five (5) members by the assembled board of education members, the "_____Junior College Board" shall select from its members a chairman and secretary who shall serve in these offices until the next regular

junior college board election. After each "_____Junior College Board" election, the members shall proceed to reorganize.

73-33-8. Junior college board meetings.--Regular meetings of the junior college board shall be held on the first Saturday of March, June, September and December of each year. Special meetings may be held upon call of the chairman or a majority of the board. The secretary of the board shall notify members of the time and place of each meeting and all notices shall be mailed to each board member at least ten (10) days prior to the date of the meeting. Upon agreement of all the members of the board, however, the period of notice of the meeting may be shortened or waived.

73-33-9. Board duties.--A. It shall be the duty of the junior college board to determine financial and educational policies of the college. The board shall provide for the management of the junior college and execution of these policies by selecting a competent president for the college, and upon his recommendation shall employ other administrative personnel, instructional staff, or other personnel, as may be needed, for the operation, maintenance, and administration of the college.

B. The college board shall have the power to fix tuition and fee rates for resident and nonresident students of the district, to accept gifts, to accept federal aid, to purchase, hold, sell, and rent property and equipment, and to promote the general welfare of the institution for the best interest of educational service to the people of the junior college district.

73-33-10. Standards and accrediting of junior colleges.--A. The state board shall, in conjunction with the junior college board, prescribe the course of study for the junior colleges established pursuant to the Junior College Act of 1963 (73-33-1 to 73-33-20), and shall define official standards of excellence in all matters relating to the administration, course of study, and quality of instruction, except that the prescribed standards may not be less in quality or quantity than those prescribed for other state institutions of higher learning by the regional accrediting agency which accredits other colleges and universities of the state.

B. The junior college board may elect to affiliate with the board of regents of a higher educational institution. Upon mutual agreement by the board of regents and junior college board, the board of regents shall exercise all powers given the state board under this section 10 and the president of the higher educational institution shall exercise the powers of the secretary under this section 10 for the term of the agreement. No agreement shall be for less than 5 years and shall be noncancelable except by mutual consent.

C. The secretary shall annually inspect, or investigate through the requirement of reports prescribed by him, each junior college created pursuant to the Junior College Act of 1963. The inspection or investigation by report shall be conducted upon the

facilities and program of each junior college, to determine the extent of compliance with the rules and regulations promulgated by the state board. A report of each inspection or final investigation by report shall be made to the state board.

D. In the event of any serious deviation from established practices and procedures, or any defects that impair the quality of the instructional program in any junior college created pursuant to the provisions of the Junior College Act of 1963, the state board will first call these to the attention of the president of the college and the board of the college.

E. In the case of repeated failure to meet the specified standards, the state board may take action discontinuing the approval of any junior college so delinquent. Upon a showing that the unsatisfactory conditions have been remedied, the state board may reinstate its approval of a disapproved junior college.

73-33-11. Titles awarded.--The board of any junior college may award the appropriate degree upon the completion of a curriculum organized for the purpose and approved by the state board. The associate title may be awarded only to students as recommended by the faculty and chief academic administrative officer of the college as having completed satisfactorily the prescribed course of study.

73-33-12. Per diem--Mileage.--Members of the junior college board shall, for attendance at meetings of the board, receive traveling expenses to and from meetings at the rate set by law for state employees, for each mile traveled by the shortest usually traveled route from their homes to the place of the meeting.

73-33-13. Junior college district bonds--Interest--Form--Payment.

A. Any junior college board may borrow money for the purposes of erecting and furnishing, constructing, purchasing, remodeling and equipping buildings and utility facilities or purchasing grounds, exclusive of dormitories and stadiums. To carry out the purposes of the Junior College Act (73-33-1 to 73-33-20), the board may issue negotiable coupon general obligation bonds of the district, if approved by the state board and then approved at an election by a majority of the qualified electors voting on the issue; provided, however, no bonds shall be issued which shall create a total bonded indebtedness in the district in excess of three per cent (3%) of the assessed valuation of the taxable property within the junior college district as shown in the preceding general assessment which said debt limitation is to be in excess of other existing debt limitations. Bonds shall be sold at a price which does not result in an actual net interest cost to maturity, computed on the basis of standards of bond values, in excess of six per cent (6%) per year. The bonds shall be sold and may be in such denominations as the board determines, and the bonds and the attached coupons shall be payable to the bearer but may also be made registrable as to principal, or registrable as to principal and interest.

B. The bonds shall be payable semiannually and shall be due and payable serially, either annually or semiannually, commencing not later than three (3) years from their date. Such bonds shall be issued for a term of not less than five (5) nor more than twenty (20) years. The form and terms of the bonds, including provisions for their payment and redemption shall be as determined by the board. If the board so determines, the bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per cent (3%) of the principal thereof. The bonds shall be executed in the name of, and on behalf of, the district and signed by the chairman of the board, with the seal of the junior college affixed thereto, and attested by the secretary of the board. Such bonds may be executed and sealed in accordance with the provisions of the Uniform Facsimile Signature of Public Officials Act (5-9-1 to 5-9-6). Interest coupons shall bear the original or facsimile signature of the chairman of the board.

C. To provide for the payment of the interest and principal of the bonds issued and sold pursuant to the provisions of the Junior College Act, upon approval of such bonds at an election by a majority of the qualified electors in such junior college district who voted on the issue, the county commissioners shall annually make and levy, during each year in which any of said bonds are outstanding, an ad valorem tax on all taxable property in the district in an amount sufficient to produce a sum equal to one (1) year's interest on all bonds then outstanding, together with an amount sufficient to pay the principal of all bonds as they mature. This levy shall not exceed five (5) mills, Provided, however, that this five-mill (5) limitation may be exceeded in any year in which the valuation of the property within the junior college district declines to a level lower than the valuation of such property in the year in which the bonds were issued. The taxes hereby authorized shall be levied, assessed and collected at the times and in the manner that ad valorem taxes for school districts are assessed, levied and collected and it shall be the duty of all tax officials and authorities to cause such taxes to be levied, assessed and collected.

D. The proceeds obtained from the issuance of such bonds shall not be diverted or expended for any purposes other than those provided herein; Provided that no building shall be built without prior approval of detailed plans by the state board, and further Provided that the expenses incurred in the preparation and sale of the bonds may be paid out of the proceeds from the sale of said bonds.

E. Prior to the issuance and sale of such bonds, the attorney general shall approve all such bond transcripts and certify his approval or rejection thereof in the same manner as is required by law for the approval of school bonds. Unless otherwise specifically provided, the provisions of the Junior College Act for the issuance of bonds shall be deemed exclusive of the provisions of all other laws.

73-33-13.1. Payment of bonds--Bond provisions.--A. The principal of and interest on general obligation bonds herein authorized to be issued, and any prior redemption premiums, shall be payable from the proceeds of general property taxes levied without limitation as to rate or amount, except to the extent other revenues are made available therefor. All bonds shall be the general obligations of the junior college district, and the full faith and credit of the junior college district shall be pledged for the payments thereof.

B. It may be provided in any proceedings authorizing any bonds hereunder that such bond shall recite that it is issued under authority of the Junior College Act (73-33-1 to 73-33-20). Such recital shall conclusively impart full compliance with all of the provisions of the Junior College Act, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

C. All bonds issued by a junior college district shall be fully negotiable and constitute negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code (50A-1-101 to 50A-9-507) as that law is now or may hereafter be in force in this state. If lost or completely destroyed, any bond may be reissued in the form and tenor of the lost or destroyed bond upon the owner furnishing to the satisfaction of the board of such junior college:

(1) proof of ownership;

(2) proof of loss or destruction;

(3) a surety bond in twice the face amount of the bond and coupons; and

(4) payment of the cost of preparing and issuing the new bond and coupons.

D. Notwithstanding any other provision of law, the governing body may in any proceedings authorizing bonds hereunder provide for the initial issuance of one (1) or more bonds (in this section called "bond") aggregating the amount of the entire issue and may make such provision for installment payments of the principal amount of any such bond as it may consider desirable and may provide for the making of any such bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bond. The governing body may further make provisions in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal or principal and interest.

73-33-14. Special tax levy for junior college operation.--A. In each junior college district, the board may call an election within the district for the purpose of authorizing the board to levy taxes on all taxable property within the district to be used for current operations and maintenance of the junior college district.

Such taxes, if authorized as hereinafter provided, shall be in addition to the taxes authorized by section 73-33-13.1 New Mexico Statutes Annotated, 1953 Compilation. This election will be for the purpose of allowing the electors as the term "electors" is used in article 8, section 2 of the Constitution of New Mexico, to vote on whether or not to allow such a levy, and on a specific limitation not to exceed five (5) mills. If approved by a majority of the electors voting on the issue, the board of county commissioners, at the direction of the junior college board, shall levy such taxes in an amount certified by the state board as necessary to meet the annual budget approved by the state board, but in no event shall the taxes levied exceed the mill limitation approved by the electors. The board must every six (6) years, and may every two (2) years, submit the question of the specific limitation, and whether or not to continue the levy, to the electors for their decision.

B. Levies, assessments and collections authorized for junior college district financing shall be made at the same time and in the same manner as levies, assessments and collections for ad valorem taxes for school districts are made. Upon collection of the levy by the county treasurer, or treasurers, the proceeds shall be deposited in a bank or banks approved by the board. The board is authorized through its financial agent and upon its order to draw upon these funds for the purposes specified at each election.

73-33-14.1. Procedure for elections.--A. In all elections held under the junior College Act (73-33-1 to 73-33-20), the board calling the election shall give notice of such election in a newspaper of general circulation in the junior college district, at least once a week for three (3) consecutive weeks, the last insertion to be not less than thirty (30) days prior to the proposed election.

B. All elections held under the Junior College Act shall be conducted and canvassed in the same manner as municipal school elections unless otherwise specifically provided in the Junior College Act.

C. Any person or corporation may institute, in the district court of any county in which the junior college district affected lies, an action or suit to contest the validity of any proceedings held under the Junior College Act, but no such suit or action shall be maintained unless it is instituted within ten (10) days after the issuance by the proper official of a certificate or notification of the results of the election.

73-33-15. Sharing of facilities.--Junior college districts may contract for the use or sharing of facilities with any school. Any agreement entered into between the junior college board and a school board shall provide that each district using the facilities shall bear an appropriate and equitable share of the expenses for the maintenance and operation of the facilities used.

73-33-16. Addition of school districts to existing junior college districts.--A. The qualified electors within the territorial limits of any school district, group of school districts within a county or school districts in an adjcining county, not included in the junior college district as originally formed, may petition the state board to be added to the junior college district. The state board shall examine the petition and if it finds that the petition is signed by the requisite number of qualified electors as provided in section 73-33-4 and section 73-33-4.1 New Mexico Statutes Annotated, 1953 Compilation, the state board shall cause a survey to be made of the petitioning district or districts to determine the desirability of the proposed extension of the area of the junior college district.

B. In conducting the survey the state board shall ascertain the attitude of the junior college board and collect other information as prescribed in section 73-33-4 New Mexico Statutes Annotated, 1953 Compilation. If, on the basis of the survey, the state board finds that the proposed addition of the petitioning area will promote an improved education service in the area, it shall approve the petition. Thereafter, the state board shall proceed to call an election within the petitioning area and in the established junior college district on the question of the inclusion of the area in the junior college district. In the election, the procedure prescribed in sections 73-33-5, 73-33-6 and 73-33-14.1 New Mexico Statutes Annotated, 1953 Compilation shall be followed.

C. If it appears on canvass of the results of the election in the office of the secretary that a majority of the votes cast in each of the petitioning areas and within the established junior college district were in favor of the addition of the petitioning area or areas the secretary shall notify the boards of education within each school district and the junior college board of the results of the election and shall declare the extension of the boundaries of the junior college district to include the petitioning area or areas in which the proposed addition referendum carried by a majority vote. Such addition shall take effect on the next succeeding July 1.

D. The territory within each school district added to any existing junior college district shall automatically be subject to any special levy on taxable property approved for the junior college district for the maintenance of facilities and services and for support of bond issues.

73-33-17. Transportation system.--When in the judgment of the board of an established junior college, the educational services of the college can be extended to a number of students who should be served by the college by the establishment of a transportation system, the board may do so through the use of maintenance funds from the annual tax levy. The junior college transportation system shall be limited to nonstop bus routes between outlying population centers within the junior college district and the junior college. Provided that, other laws to the contrary notwithstanding, local school boards within the junior college

district shall allow junior college students to ride on public school buses over established routes upon payment by the junior college for the cost of such services, and Provided further that the local school boards within the junior college district shall make every effort to schedule their bus routes and times in such manner that they accommodate the junior college students. Students who use college or public school bus facilities may be charged such fees as the junior college board deems reasonable. In lieu of providing any college owned or operated transportation, the board of the junior college may make agreements with local school boards for the transportation of college students to and from the college campus. The college board shall make payments to the local school fund for any transportation.

73-33-18. Dissolution of junior college districts.--Junior college districts may be dissolved in the following manner:

A. Submission of a plan for the dissolution of the junior college district to the secretary by a petition signed by ten per cent (10%) of the qualified electors residing within the district. Upon receipt of a proper plan and petition, the secretary shall call a special election for the purpose of referring to the qualified electors residing in the district the question of dissolution. Plans for the dissolution of a junior college district must provide for the payment of all district debts and liabilities and for the equitable distribution of all remaining assets to the school districts within the junior college district.

B. If the secretary finds that a majority of the qualified electors voting on the issue at the special election have authorized the dissolution, the junior college board shall proceed with the approved plan. Upon completion of the plan, the board of the junior college shall submit a full report to the secretary and a copy of the report to each local school district board within the junior college district.

C. Upon receipt of the final report of the junior college board, the secretary shall examine the report to determine whether or not any outstanding obligations still exist and whether the terms of the approved plan have been accomplished. If, upon determination by the secretary, no obligations are yet outstanding and the provisions of the plan have been fulfilled, he shall formally declare the junior college district dissolved.

73-33-19. Refunding bonds of junior college districts.--The board of any junior college district may, with the approval of the state board, issue negotiable coupon bonds, to be denominated refunding bonds, for the purpose of refunding any of the general obligation bonded indebtedness of such junior college. Whenever the board of any junior college district shall deem it expedient to issue refunding bonds, it shall adopt a resolution setting out the facts making the issuance of such bonds necessary or advisable, the determination of such

necessity or advisability by the board and the amount of such refunding bonds which the board deems necessary and advisable to issue. Such resolution shall fix the rate or rates of interest of such bonds, which shall not exceed six per cent (6%) per annum, the date of the refunding bonds, the denominations thereof, the maturity dates, the last of which shall not be more than twenty (20) years from the date of said refunding bonds, the place of payment within or without the state of both principal and interest, and shall further set out the form of such refunding bonds. Such refunding bonds when issued shall be negotiable in form, and bear the signature or the facsimile signature of the chairman of the board with the seal of the junior college district affixed thereto, and be attested by the secretary of the board. All such refunding bonds may be exchanged dollar for dollar for the bonds to be refunded, or they may be sold as directed by the governing body, and the proceeds thereof shall be applied only to the purpose for which the bond were issued.

73-33-20. Liberal construction.--This Junior College Act (73-33-1 to 73-33-20) being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.

Technical and Vocational Institute Act:

73-34-1. Short title.--This act (73-34-1 to 73-34-12) may be cited as the "Technical and Vocational Institute Act."

73-34-2. Definitions.--As used in this act (73-34-1 to 73-34-12):

A. "Technical and vocational institute" means a public educational institution which shall provide not to exceed two (2) years of vocational and technical curricula and, in addition, some appropriate courses in the arts and sciences;

B. "Board" means the governing board of the technical and vocational institute district;

C. "Full-time student-equivalent" means a student taking at least twelve (12) credit hours per term;

D. "Part-time student-equivalent" means a student taking less than twelve (12) credit hours per term; and

E. "School district" means what is commonly referred to in this state as an administrative unit.

73-34-3. Formation of district.--A. A technical and vocational institute district may be formed upon the petition of qualified electors who shall have paid a property tax therein during the preceding year, in any school district or group of school districts within one or more counties, to the number of ten per cent (10%) of the vote cast for governor in each such school district in each county in the last preceding general election.

B. The petition shall be filed with the state board of education which shall immediately cause a survey to be made of the proposed technical and vocational institute district to determine the need for the proposed institute and the prospects for its adequate support. The state board shall approve the petition for the establishment of the proposed district if on the basis of the survey the state board finds:

(1) the proposed district boundaries are suitable geographically;

(2) the existence of adequate school population and other factors indicate the proposed institute will develop to the point where it will serve an enrollment of at least two hundred (200) full-time student-equivalents; and

(3) the financial position of the proposed district is adequate to provide the necessary supporting funds for current operations, including maintenance and direct charges, and the necessary capital outlay for physical plant and equipment.

73-34-4. Election on proposal to create district.--Upon approval of the state board of education, each board of the school district or districts shall present the proposal for the creation of a technical and vocational institute district on a separate ballot at the time of the next school board election or at any separate election called for that purpose. If a majority of those qualified ad valorem tax paying electors who are not delinquent in the payment of their ad valorem tax voting in the election in each school district concerned vote in favor of establishing a technical and vocational institute district, then the board of the school district or districts concerned shall declare the organization of the "_____ technical and vocational institute district."

73-34-5. Board--Composition.--The governing board of the technical and vocational institute district shall be composed of:

A. The board of the initiating school district, if only one (1) school district is involved; or

B. If more than one (1) district is involved in the initiation of the district, one (1) member delegated from each participating governing board; However, if there are an even number of participating school districts, the boards of all such participating districts shall jointly appoint an additional member to the governing board of the technical and vocational district, who shall serve as a member at large.

73-34-6. Board--Powers and duties.--The board shall:

A. Determine the financial and educational policies of the institute and provide for the execution of these policies by selecting a competent president for the institute and, upon his recommendation, shall employ other administrative personnel, instructional staff or other personnel as may be needed for the operation, maintenance and administration of the institute;

B. Fix fee rates and tuition rates for students non-resident in the district;

C. Have authority to issue certificates of proficiency;

D. Have authority to accept gifts, to receive federal aid, or other aid, to purchase, hold, sell and rent property and equipment in the name of the technical and vocational institute district; and

E. Promote the general welfare of the institution for the best interest of educational service to the people of the district.

73-34-7. Course of study--Standards.--The state board of education shall, in conjunction with the board, prescribe the course of study for the technical and vocational institute and shall define official standards of excellence in all matters relating to the administration, course of study and quality of instruction.

73-34-8. Bonds--Interest--Form.--To carry out the purposes of the Technical and Vocational Institute Act (73-34-1 to 73-34-12), the board may issue negotiable coupon general obligation bonds of the district; Provided, however, no bonds shall be issued which shall create a total bonded indebtedness in the district in excess of two per cent (2%) of the taxable property within the district as shown in the preceding general assessment, said debt limitation to be in excess of existing debt limitation of school districts. Bonds shall be sold at a price which does not result in an actual net interest cost to maturity, computed on the basis of standards of bond values, in excess of six per cent (6%). The bonds shall be sold and may be in such denominations as the board determines, and the bonds and the attached coupons shall be payable to the bearer but may also be made registrable as to principal, or registrable as to principal and interest. The bonds shall be payable semiannually, and shall be due and payable serially, either annually or semiannually, commencing not later than three (3) years and extending not more than twenty (20) years from date. The form and terms of the bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, the bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per cent (3%) of the principal thereof. The bonds shall be executed in the name of, and on behalf of, the district and signed by the president of the board, with the seal of the district affixed thereto, and attested by the secretary of the board. Interest coupons shall bear the original or facsimile signature of the president of the board.

73-34-9. Special assessment.--A. In each district wherein a technical and vocational institute has been established, the board may call an election within the institute district for the purpose of approving or disapproving taxes, not to exceed five (5) mills, which thereafter may be levied annually on all taxable property within the district, to be used for current operations and retirement of bonds.

B. Upon approval of the authorization for the additional taxes by a majority of those qualified electors voting in the election, and based upon an annual budget approved by the chief of the public school finance division, the county commissioners shall annually make the prescribed levy upon the taxable property of the district.

C. Levies imposed for technical and vocational institute financing shall be made at the same time and in the same manner as levies for other ad valorem taxes. Upon collection of the levy by the county treasurer, the proceeds shall be deposited in a bank or banks approved by the board. The board is authorized through its financial agent and upon its order to draw upon these funds for the purposes specified at each election.

73-34-10. Sharing of facilities.--Technical and vocational institute districts may arrange for the use or sharing of facilities with any school district or with the board of regents of a higher educational institution. Any agreement entered into for the sharing of facilities shall provide that the technical and vocational institute district shall bear an appropriate and equitable share of the expenses for the maintenance and operation of the facilities used.

73-34-11. Addition of school districts to existing technical and vocational institute districts.--A. Any school district, group of school districts within a county, or school districts in an adjoining county, not included in the institute district as originally formed, may petition the state board of education to be added to the technical and vocational institute district. The state board shall examine the petition and if it finds that the petition is signed by the requisite number of qualified voters, as provided in section 3 (73-34-3) of the Technical and Vocational Institute Act, the state board shall cause a survey to be made of the petitioning district or districts to determine the desirability of the proposed extension of the area of the technical and vocational institute district.

B. In conducting the survey the state board shall ascertain the attitude of the technical and vocational institute board and collect other information as prescribed in section 3 (73-34-3). If, on the basis of the survey, the state board finds that the proposed addition of the school district will promote an improved education service in the area, it shall approve the petition. Thereafter, the state board shall proceed to call an election within the petitioning school district and in the established technical and vocational institute district on the question of the inclusion of the area in the institute district.

C. If it appears, on canvass of the results of the election, that a majority of the votes cast in each of the petitioning districts, and within the established institute district, were in favor of the addition of the petitioning school district or districts, the state board of education shall notify the boards of education within each school district and the technical and

vocational institute board of the results of the election and shall declare the extension of the boundaries of the institute district to include the petitioning district or districts in which the proposed addition referendum carried by a majority vote.

D. Each school district added to any existing technical and vocational institute district shall automatically be subject to any special levy on taxable property approved for the institute district for the maintenance of facilities and services and for support of bond issues.

73-34-12. Dissolution of districts.--Technical and vocational institute districts may be dissolved in the following manner:

A. Submission of a plan for the dissolution of the technical and vocational institute district to the state board of education by a petition signed by ten per cent (10%) of the qualified electors residing in the district. Upon approval of the plan, the state board of education shall call a special election for the purpose of referring to the voters residing in the district the question of dissolution. Plans for the dissolution of a technical and vocational institute district must provide for the payment of all district debts and liabilities and for the equitable distribution of all remaining assets to the school districts within the technical and vocational institute district.

B. If a majority of the qualified electors voting at the special election authorize the dissolution, the technical and vocational institute district board shall proceed with the approved plan. Upon completion of the plan, the board shall submit a full report to the state board of education.

C. Upon receipt of the final report of the board, the state board of education shall examine the report to determine whether or not any outstanding obligations still exist and whether the terms of the approved plan have been accomplished. If upon determination by the state board no obligations are yet outstanding and the provisions of the plan have been fulfilled, they shall formally declare the technical and vocational institute district dissolved.

73-34-13. Alternate election procedures permitted.--In addition to the election procedures provided in Laws 1963, chapter 108 (73-34-1 to 73-34-12) for an election for the creation of a technical and vocational institute district and for an election for the approval or disapproval of a tax levy of not to exceed five (5) mills for current operations and retirement of bonds of a technical and vocational institute, the election procedures set out in this act (73-34-13 to 73-34-21) may be used for such purposes.

73-34-14. Identification of electorate.--A. In any election held under this act (73-34-13 to 73-34-21) relating to the creation of a technical and vocational institute district, the persons qualified to vote shall be those qualified electors

residing within an affected school district who shall have paid a property tax therein during the preceding year.

B. In any election held under this act relating to the approval or disapproval of a tax levy for the current operations and retirement of bonds of a technical and vocational institute, the persons qualified to vote shall be qualified electors residing within an affected school district.

73-34-15. Definition of "board."--"Board" as used in this act (73-34-13 to 73-34-21) means the technical and vocational institute district board or the local board or boards of education as the context and question requires.

73-34-16. Submission of questions--Creation of institute--Tax levy--Expenses of election.--The question on the creation of a technical and vocational institute shall be submitted by the board of education involved, and the question relating to the tax levy shall be submitted by the governing board of the technical and vocational institute district to the specified electors at any general election or at any special election called for that purpose by such board or boards. Subject to approval of the appropriate budget authority, such board may budget and expend funds of the district for the purposes of defraying the expenses of any such elections.

73-34-17. Submission at general election--Notice--Question certified to county clerk--Ballots and voting machines--Certification of results.--If the question is submitted at a general election, the board shall publish notice thereof in the manner required for general elections except that such notice need not include the names of any election officials or the places where such election is to be held in each precinct and voting division and no posting shall be required. The board shall, not less than thirty (30) days before the election, furnish, to the county clerk of each county in which each affected school district is situate, a certificate specifying the question to be submitted and the precincts and voting divisions included in the school district or districts, or in the technical and vocational institute district. The county clerk of each such county shall include such question on the ballots and voting machines in the proper voting divisions. The election officials in such voting divisions shall execute separate certificates certifying the results of the voting on such question and, upon receipt thereof, each county clerk shall deliver the same to the president of the board or his designated representative.

73-34-18. Submission at special election--Conduct of election--Hours of voting.--If the board determines to submit such question at a special election, such special election shall be called, held and conducted in the same manner as elections for members of the board of education, except that, if such special election is held at the same time as a bond election in the school district,

the hours of voting shall be the same as may be provided by law for such bond election.

73-34-19. Canvass of vote.--Upon delivery of the certificates by the county clerk, in case the question is submitted at a general election, or upon receipt of the returns in case it is submitted at a special election called for that purpose, the vote shall be canvassed in the manner provided by law for canvassing elections of members of municipal boards of education.

73-34-20. Tax levy--Approval or disapproval--Effect of certification to county commissioners--Disposition of proceeds of levy.--In any election for the approval or disapproval of a tax levy if the levy is voted upon favorably by a majority of the electors of the school district voting on the question, the president of the technical and vocational institute district board shall certify that fact to the county commissioners of each county in which the school district is situate and to the chief of the public school finance division of the department of finance and administration, and such levy shall become effective and be made for each of the ensuing four (4) fiscal years. Proceeds of such levy shall be distributed by the county treasurer to or for the credit of the technical and vocational institute district in the bank or banks approved by the board. The board may direct that such levy be decreased or not made for any year, if, in its judgment, sufficient funds for such program are available or will be obtained from other sources.

73-34-21. Maximum tax levy.--The levy provided in this act (73-34-13 to 73-34-21) shall be exempt from the provisions of section 72-4-11 New Mexico Statutes Annotated, 1953 Compilation, and in addition to the levies authorized, 1953 Compilation (Sic).

Branch and Community College Statutes:

73-30-17. Branch community college educational level defined. --Branch community college educational level for the purposes of sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation includes the first two (2) years of college education, covering the thirteenth and fourteenth year of education.

73-30-18. Establishment authorized--Board--Determination of need--Agreements.--A. A branch community college may be established in a school district upon the showing of need by the local board of education; or a branch community college may be established to include more than one school district, in which instance the boards of education shall act as a single board,

and if the branch community college is established, shall continue to act as a single board. As used in sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation, "board" means the local board of education, or the combined local boards of education acting as a single board, of the school district.

B. The duties of the board are to:

(1) Initiate and conduct the survey;

(2) Select the parent institution;

(3) Request approval of the branch community college from the board of educational finance;

(4) Enter into written agreements with the board of regents of the parent institution selected;

(5) Act in an advisory capacity to the board of regents in all matters relating to the conduct of the branch college;

(6) Approve an annual budget for the branch community college for recommendation to the board of regents of the parent institution;

(7) Certify to the county commissioners the tax levy; and

(8) Conduct the election for tax levies for the branch community college.

C. Upon evidence of a demand for a branch community college the board shall cause a survey to be made. The board of educational finance shall develop criteria for the establishment of a branch community college and no branch community college shall be established without the written authorization of the board of educational finance.

D. If need is established, the board, in accordance with the board of educational finance criteria for initiating a branch community college program, shall consult with the board of regents of the higher education institution selected to be the parent institution, and, if the board and the board of regents agree to conduct a branch community college in the area, they shall transmit a proposal to establish a branch community college to the board of educational finance. The board of educational finance shall evaluate the need and shall notify the board and the board of regents of approval or disapproval of the proposal.

E. If the proposal is approved, the board and the board of regents shall then enter into a written agreement which shall include provisions for:

(1) The higher education institution to have full authority and responsibility in relation to all academic matters;

(2) The higher education institution to honor all credits earned by students as though they were earned on the parent campus;

(3) The course of study and program offered;

(4) The cooperative use of physical facilities and teaching staff;

(5) Provided that applications of local, qualified people shall be considered before employing teachers of the local school system; and

(6) The detailed agreement of financing and financial

control of the branch community college.

F. The agreement shall be binding upon both the board and the board of regents; However, it may be terminated by either board by mutual consent, or it may be terminated by either board upon six (6) months notice.

73-30-19. Availability of school facilities--Use of other facilities.--Upon establishment of a branch community college, public school facilities are to be made available to the college if needed, and in such manner as will not interfere with the regular program of instruction. No public school funds shall be expended in the program, and the branch community college shall pay a proper amount for utilities and custodian service. The board may arrange for the use of available facilities other than public school facilities if approved by the board of regents.

73-30-20. Financing of branch community colleges.--Financing of branch community colleges shall be by tuition and fees, which shall be set by the board of regents, and by gifts and grants, and by other funds as may be made available, except as otherwise provided in sections 73-30-17 through 73-30-25 New Mexico Statutes Annotated, 1953 Compilation.

73-30-21. Tax levies authorized.--A. The board may levy and collect a tax annually against the property in the school district or districts comprising the branch community college district, for the purpose of operating, maintaining and providing facilities for the branch community college. The annual amount levied shall not be in excess of one hundred dollars ($100) for a full time equivalent student.

B. For the first year of operation the board shall estimate the full time equivalent student population, thereafter the previous year's full time equivalent student population shall be used for taxing purposes.

C. In the event the amount necessary to be raised for such purposes exceeds in any year the constitutional limit of twenty (20) mills for all other purposes in the district, or districts, the question of levying additional taxes, over and above the limitation for the support of the branch community college shall be submitted to the electors and voted upon as a separate question at the next subsequent general election. The election upon the question shall be called, handled, conducted and canvassed in substantially the same manner as is provided by law.

73-30-22. Election on special levy.--If the electors vote in favor of the special levy, it shall become effective in the following taxable year and each year thereafter unless the branch community college district is dissolved.

73-30-23. State support.--The board of educational finance shall approve an appropriation request for the branch community college. The request shall be included in the budget request of the parent

institution and shall be for the purpose of operating, maintaining and providing facilities for the branch community college. An amount not to exceed three hundred dollars ($300) for each full time equivalent student may be budgeted for each branch community college. For the first year of operation, the board of regents shall estimate the full time equivalent student population, thereafter the previous year's full time equivalent student population shall be used.

73-30-24. Applicability of other laws.--Any law concerning public schools and any law concerning the higher education institution shall, when applicable, govern the operation and conduct of the branch community college.

73-30-25. Designation of branch community college.--Any community college shall be designated as a branch of the respective higher education institution.

73-30-26. Branch community college bonds--Interest--Form--Payment.--A. Any community college board may borrow money for the purposes of erecting and furnishing, constructing, purchasing, remodeling and equipping buildings and utility facilities or purchasing grounds, exclusive of dormitories and stadiums. To carry out the purposes of this section, the board may issue negotiable coupon general obligation bonds of the school district, if approved by the board of educational finance and then approved at an election by a majority of the qualified electors voting on the issue; Provided, however, no bonds shall be issued which shall create a total bonded indebtedness in the school district in excess of three per cent (3%) of the assessed valuation of the taxable property within the school district as shown in the preceding general assessment, which debt limitation is to be in excess of other existing debt limitations. Bonds shall be sold at a price which does not result in an actual net interest cost to maturity, computed on the basis of standards of bond values, in excess of six per cent (6%) a year. The bonds shall be sold and may be in such denominations as the board determines, and the bonds and the attached coupons shall be payable to the bearer but may also be made registrable as to principal, or registrable as to principal and interest.

B. The bonds shall be payable semiannually and shall be due and payable serially, either annually or semiannually, commencing not later than three (3) years from their date. Such bonds shall be issued for a term of not less than five (5) nor more than twenty (20) years. The form and terms of the bonds, including provisions for their payment and redemption shall be as determined by the board. If the board so determines, the bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three per cent (3%) of the principal thereof. The bonds shall be executed in the name of, and on behalf of, the school district and signed by the chairman of the board, with the seal of the school district affixed thereto, and attested by the secretary of the board. Bonds may be executed and sealed in accordance with the provisions of the

Uniform Facsimile Signature of Public Officials Act (5-9-1 to 5-9-6). Interest coupons shall bear the original or facsimile signature of the chairman of the school board.

C. To provide for the payment of the interest and principal of the bonds issued and sold pursuant to the provisions of this section, upon approval of such bonds at an election by a majority of the qualified electors in such school district who voted on the issue, the county commissioners shall annually make and levy, during each year in which any bonds are outstanding, an ad valorem tax on all taxable property in the school district in an amount sufficient to produce a sum equal to one (1) year's interest on all bonds then outstanding, together with an amount sufficient to pay the principal of all bonds as they mature. This levy shall not exceed five (5) mills; Provided, however, that this five-mill limitation may be exceeded in any year in which the valuation of the property within the school district declines to a level lower than the valuation of such property in the year in which the bonds were issued. The taxes authorized shall be levied, assessed and collected at the times and in the manner that ad valorem taxes for school districts are assessed, levied and collected and it shall be the duty of all tax officials and authorities to cause the taxes to be levied, assessed and collected.

D. The proceeds obtained from the issuance of the bonds shall not be diverted or expended for any purposes other than those provided herein; Provided that no building shall be built without prior approval of detailed plans by the board of educational finance, which shall have authority to approve, disapprove or decrease the amount of bonds which may be sold; and Provided further, that the expenses incurred in the preparation and sale of the bonds may be paid out of the proceeds from their sale.

E. Prior to the issuance and sale of bonds, the attorney general shall approve all bond transcripts and certify his approval or rejection thereof in the same manner as is required by law for the approval of school bonds. Unless otherwise specifically provided, the provisions of this section for the issuance of bonds shall be deemed exclusive of the provisions of all other laws.

73-30-27. Payment of bonds--Bond provisions.--A. The principal of and interest on general obligation bonds herein authorized to be issued, and any prior redemption premiums, shall be payable from the proceeds of general property taxes levied without limitation as to rate or amount, except to the extent other revenues are made available therefor. All bonds shall be the general obligations of the school district, and the full faith and credit of the district shall be pledged for the payments thereof.

B. It may be provided in any proceedings authorizing any bonds hereunder that a bond shall recite that it is issued under authority of this act (73-30-26 to 73-30-28). The recital shall conclusively impart full compliance with all of the provisions of this act and all bonds issued containing this recital shall be incontestable for any cause whatsoever after their delivery for value.

C. All bonds issued by a district shall be fully negotiable and constitute negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code (50A-1-101 to 50A-9-507) as that law is now or may hereafter be in force in this state. If lost or completely destroyed, any bond may be reissued in the form and tenor of the lost or destroyed bond upon the owner furnishing to the satisfaction of the board:

(1) proof of ownership;

(2) proof of loss or destruction;

(3) a surety bond in twice the face amount of the bond and coupons; and

(4) payment of the cost of preparing and issuing the new bond and coupons.

D. Notwithstanding any other provision of law, the governing body may in any proceedings authorizing bonds hereunder provide for the initial issuance of one (1) or more bonds aggregating the amount of the entire issue and may make provision for installment payments of the principal amount of any bond as it may consider desirable and may provide for the making of any bond payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on the bond. The governing body may further make provisions in any resolution for the manner and circumstances in and under which any bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal or principal and interest.

73-30-28. Title to property acquired from proceeds of bond issue.--All property acquired from the proceeds of a bond issue shall be taken in the name of the board of education of the school district in which the branch community college is situate. In the event an independent public college entity evolves from the branch community college, the property so held by the board of education shall be transferred and conveyed to the governing body of the new independent public college entity: Provided, however, no transfer or conveyance shall take place without the express approval of the board of educational finance.

House Bill No. 228, 1967 - Chapter #104:

An act relating to branch community colleges; and amending section 73-30-17 New Mexico Statutes Annotated, 1953 Compilation (being laws 1957, Chapter 143, Section 1, as amended).

Be it enacted by the legislature of the state of New Mexico:

Section 1. Section 73-30-17 New Mexico Statutes Annotated, 1953 Compilation (being Laws 1957, Chapter 143, Section 1, as amended) is amended to read:

"73-30-17. Branch Community College Educational Program and Enrollment defined.--Branch community college educational program for the purposes of Section 73-30-17 through 73-30-28 New Mexico Statutes Annotated, 1953 Compilation, includes the first two years of college education and may include organized vocational and technical curricula of not more than two years' duration designed to fit individuals for employment in recognized occupations.

The calculation of full-time-equivalent student population for purposes of Sections 73-30-21 and 73-30-23 New Mexico Statutes Annotated, 1953 Compilation, shall include students enrolled in college-level courses and students enrolled in vocational and technical courses taught by a branch community college which is recognized by the state board of vocational education as an area vocational school. Students enrolled in a course, the cost of which is totally reimbursed from federal, state or private sources, shall not be included in the calculation of full-time-equivalent student population. No student shall be included in the calculation if he is counted in the average daily membership of a public school district for the same time period."

Area Vocational School Act (House Bill No. 50, 1967 - Chapter #177):

An Act providing for area vocational schools; prescribing the method of establishing such schools; prescribing powers and duties of the State Board of Education; authorizing tax levies outside the twenty-mill limit; and providing for limitations on certain tax levies.

Be it enacted by the legislature of the state of New Mexico:

Section 1. Declaration of Purpose.--It is the intention of the legislature and the purpose of this act to provide means whereby the state of New Mexico in cooperation with school districts can provide facilities for training and preparation of students for productive employment as technicians and skilled workers, and to more nearly equalize educational opportunity. Further, it is the intention of the legislature that such facilities be developed only in those locations where the number of students will be sufficient to permit the offering of a broad program of vocational and technical education with reasonable economy.

Section 2. Definitions.--For the purpose of this act:

A. "school district" is one as defined in Section 77-1-2 New Mexico Statutes Annotated, 1953 Compilation;

B. "state board" means the state board of education; and

C. "area vocational school" is as defined by the state plan for vocational education pursuant to Public Law 88-210.

Section 3. Submission of plan for establishment of area vocational schools.--A. The local school board of a school district may develop and present a plan to the state board for the establishment and operation of an area vocational school.

B. The plan may include cooperative arrangements with junior colleges, branch community colleges, state educational institutions and other school districts.

C. The plan shall be prepared and presented to the state board on forms developed and provided by the state board, and shall include information required by the state plan for vocational education.

Section 4. Designation as an area vocational school by the state board.--A. Upon receipt and examination of the plan and supporting evidence, the state board shall conduct hearings, investigate records, and procure such other information relating to vocational training as it may deem necessary and appropriate.

B. If the state board finds that the plan will provide an adequate, broad vocational and technical educational program, will serve sufficient students for an economical operation, provide for adequate financing and sensibly relate to a statewide pattern for development of vocational and technical education, the state board may approve such plan.

C. Upon approval of the state board of education, each board of the school district or districts shall present the proposal for the creation of an area vocational school district on a separate ballot at the time of the next school board election or at any separate election called for that purpose. If a majority of those qualified ad valorem tax paying electors who are not delinquent in the payment of their ad valorem tax voting in the election in each school district concerned vote in favor of establishing an area vocational school district, then the board of the school district or districts concerned shall declare the organization of the area vocational school district.

D. After approval by the state board of the plan, the school shall be designated by the state board officially as an area vocational school and shall be operated in accordance with provisions in the state plan for vocational education and shall meet all other requirements of an accredited school.

Section 5. Qualifications of students.--A. The local school board shall include qualified students, as defined in Section 77-6-2 New Mexico Statutes Annotated, 1953 Compilation with the average daily membership report to the department of education and such students shall be weighted according to Section 77-6-18 New Mexico Statutes Annotated, 1953 Compilation.

B. The local school board may accept non-resident qualified students for vocational and technical education on a tuition basis with approval from the state board. The non-resident qualified student may be enrolled with the resident school district and be included with the average daily membership report to the department of education. The non-resident qualified student may enroll with the area vocational school district and be included with the district's average daily membership report to the department of education, provided that the student is not enrolled or reported for average daily membership purposes with both districts for the same reporting period.

C. The local school board may accept resident and non-resident non-qualified students for vocational and technical education on a tuition basis with approval from the state board. Non-qualified students shall not be included with the district's average daily membership report to the department of education for the purpose of receiving state basic support.

Section 6. Financing.--A. Federal funds made available to the state for vocational training programs which are administered by the state board may be used in support of area vocational schools within the provision of federal legislation. School districts participating under the provisions of this act may submit application for federal funds to the state board in compliance with the state plan for vocational education.

B. State funds appropriated by the legislature and administered by the state board for vocational and technical education may be used to meet the expenses of an area vocational school. Such state funds shall be made available only upon application and approval of the state board.

C. Tuition and fees shall be established by the local school board and approved by the state board for non-resident qualified students not included in the average daily membership, and resident and non-resident non-qualified students who are enrolled in the area vocational school.

Section 7. Tax levy.--The local school board of any designated area vocational school district may submit at an election for approval or disapproval the question of a tax levy not to exceed five mills for the purpose of providing revenue to be used exclusively for the establishment and operation of the area vocational school.

Section 8. Identification of electorate.--In any election held under this act relating to the approval or disapproval of a tax levy for establishment and operation of an area vocational school, the persons qualified to vote shall be qualified electors residing within the school district.

Section 9. Publication.--If the question is submitted at a general election, the local school board shall publish notice thereof in the manner required for general elections except that such notice need not include the names of any election officials or the place where such election is to be held in each precinct and voting division and no posting shall be required. The local school board shall, not less than thirty days before the election, furnish to the county clerk of each county in which each affected school district is situated a certificate specifying the question to be submitted and the precincts and voting divisions included in the area vocational school district. The county clerk of each county shall include such question on the ballots and voting machines in the proper voting divisions. The election officials in such voting divisions shall execute separate certificates certifying the results of the voting on such questions and, upon receipt thereof, each county clerk shall deliver the same to the president of the local school board or his designated representative.

Section 10. Special election procedures.--If the local school board submits such question at a special election, the special election shall be called, held and conducted in the same manner as elections for members of the local school board, except that, if such special election is held at the same time as a bond election in the school district, the hours of voting shall be the same as may be provided by law for such bond election.

Section 11. Canvassing.--Upon delivery of the certificates by the county clerk, in case the question is submitted at a general election, or upon receipt of the returns in case it is submitted at a special election called for that purpose, the vote shall be canvassed in the manner provided by law for canvassing elections of members of local school boards.

Section 12. Certification of levy.--In any election for the approval or disapproval of a tax levy if the levy is voted upon favorably by a majority of the electors of the district voting on the question, the president of the local school board shall certify that fact to the county commissioners of each county in which the district is situated and to the chief of the public school finance division of the department of finance and administration, and such levy shall become effective and be made for each of the ensuing four fiscal years. Proceeds of such levy shall be held by or distributed by the county treasurer to or for the credit of the school district in the bank or banks approved by the local school board provided the local school board is designated as a board of finance as prescribed in 77-6-42 New Mexico Statutes Annotated, 1953 Compilation. The local school board may direct at the time of the annual budget hearing as provided in 77-6-6 New Mexico Statutes Annotated, 1953 Compilation that such levy be decreased or not made for any year if, in its judgment, sufficient funds for such program are available or will be obtained from other sources.

Section 13. Levy in addition to others.--The levy provided in this act shall be exempt from the provisions of Section 72-4-11 New Mexico Statutes Annotated, 1953 Compilation, and in addition to the levies authorized in Section 77-6-38 New Mexico Statutes Annotated, 1953 Compilation. The levy provided in this act shall not be in addition to special tax levy for junior college operation Section 73-33-14 New Mexico Statutes Annotated, 1953 Compilation, or tax levy for technical vocational institute Section 73-34-9 New Mexico Statutes Annotated, 1953 Compilation.

Section 14. Budgeting, Accountability and Reporting.--The local school board shall follow procedures as prescribed by the Public School Finance Act and any other provisions of Law.

Section 15. Application of Act.--The provisions of this act shall not affect and shall be independent of the provisions of Sections 73-34-1 through 73-34-12 New Mexico Statutes Annotated, 1953 Compilation.

APPENDIX B

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form I Date _____

AGREEMENT

IN CONSIDERATION OF APPROVAL OF SUCH AREA VOCATIONAL TECHNICAL SCHOOL, WE THE APPLICANTS AGREE to participate cooperatively with the aforementioned districts as prescribed in this application.

_____ _____

Title _____ Title _____

_____ _____

Title _____ Title _____

_____ _____

Title _____ Title _____

_____ _____

Title _____ Title _____

_____ _____

Title _____ Title _____

NOTE: COPIES OF THESE FORMS ARE AVAILABLE UPON REQUEST FROM THE VOCATIONAL DIVISION.

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form II Date _____

FORM FOR SUMMARIZING POPULATION
CHARACTERISTICS FOR ESTABLISHMENT
OF AN AREA VOCATIONAL SCHOOL DISTRICT

Name of Proposed Area Vocational School

District _____

Total Population 10-Year History:

Present _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____

Total Population 5-Year Projection:

19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____
19 ___ _____

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form III Date _____

FORM FOR SUMMARIZING STUDENT ENROLLMENT FOR ESTABLISHMENT OF AREA VOCATIONAL SCHOOL DISTRICT (use additional forms if more than 3 schools are involved)

Name of Proposed Area Vocational School District _____

Ten-Year History of Grades 9-12 Enrollment in Public and Private Schools Within the Proposed Area Vocational School District.

	(Name) School	(Name) School	(Name) School	Totals
Present				
19___				
19___				
19___				
19___				
19___				
19___				
19___				
19___				
19___				
19___				

Five-Year Projected Grades 9-12 Enrollment in Public and Private Schools Within the Proposed Area Vocational School District (cite source of projections).

	(Name) School	(Name) School	(Name) School	Totals
19___				
19___				
19___				
19___				
19___				

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form IV Date _____

FORM FOR SUMMARIZING ENROLLMENT IN GRADES ONE THROUGH EIGHT IN PUBLIC AND PRIVATE SCHOOLS WITHIN THE PROPOSED AREA VOCATIONAL SCHOOL DISTRICT.

Name of School	Enrollment 19___

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form V Date _____

FORM FOR SUMMARIZING HIGH SCHOOL GRADUATES WITHIN THE PROPOSED AREA VOCATIONAL SCHOOL DISTRICT WHO GO ON TO COLLEGE.

Name of School	Number and Percent of High School Graduates Who Have Entered College The Past Two Years	
	Number	Percent

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form VI Date _____

FORM FOR SUMMARIZING DROP-OUT RATE OF SCHOOLS WITHIN THE PROPOSED AREA VOCATIONAL SCHOOL DISTRICT.

Name of School	Number and Percent of Students in Grades 9-12 who have dropped out of school in the past 2 years.	
	Number	Percent

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form VII Date _____

FORM FOR SUMMARIZING ENROLLMENT IN OTHER VOCATIONAL AND PRE-VOCATIONAL PROGRAMS WITHIN THE PROPOSED AREA VOCATIONAL SCHOOL DISTRICT AND ADJACENT DISTRICTS.

ANTICIPATED FIRST YEAR ENROLLMENT _____

Name of School	Location of School	Grade Level	Number Enrolled	Type of Instruction Presented

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form VIII Date _____

FORM FOR SUMMARIZING DISTANCE TO AREA VOCATIONAL SCHOOL

Name of School	Location	Miles to School

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form IX Date _____

FORM FOR SUMMARIZING ADULTS WHO DESIRE VOCATIONAL EDUCATION

Skill Desired	Number of Adults Desiring Training

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form X Date _____

OPPORTUNITIES FOR PLACEMENT OF GRADUATES OF AN AREA VOCATIONAL SCHOOL WITHIN THE GEOGRAPHIC PROXIMITY

Skill for Which Training is Desired	Location(s) of Employment	Number of jobs Presently Available	Number of New Jobs Available in the Next 2 Years	Number of Jobs Available in the Next 2 Years due to Replacement

STATE OF NEW MEXICO

Department of Education
Division of Vocational Education

Form XI Date _____

SUMMARY OF FINANCIAL CHARACTERISTICS
OF THE PROPOSED AREA VOCATIONAL
SCHOOL DISTRICT

Current Year
Assessed Valuations

School District	Assessed Valuation
Total	

Breakdown of Levies
Presently in Effect

Levy	Amount of Levy
State Purposes	_____ Mills
County Purposes	_____ Mills
Local Purposes (specify)	
_____	_____ Mills
_____	_____ Mills
_____	_____ Mills
Total	_____ Mills